

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

RUFUS HORTON,

Petitioner,

v.

WARDEN, MADISON  
CORRECTIONAL INSTITUTION,

Respondent.

CASE NO. 2:17-CV-36  
JUDGE JAMES L. GRAHAM  
MAGISTRATE JUDGE JOLSON

**OPINION AND ORDER**

On March 6, 2017, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed without prejudice for want of prosecution. (ECF No. 4.) Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* (ECF No. 4) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED** without prejudice for want of prosecution.

**IT IS SO ORDERED.**

Date: March 24, 2017

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s/James L. Graham  
JAMES L. GRAHAM  
United States District Judge